WEST VIRGINIA LEGISLATURE
Regular Session, 2006

ENROLLED
Committee Substitute for
SENATE BILL NO. 350

(By Senator Minard, et al)

PASSED March 9, 2006

In Effect from Passage
AN ACT to amend and reenact article 5, chapter 64 of the Code of West Virginia, 1931, as amended; all relating generally to the promulgation of administrative rules by the Department of Health and Human Resources and the procedures relating thereto; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules as amended by the Legislature; authorizing...
certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing Department of Health and Human Resources to promulgate a legislative rule relating to assisted living residences; authorizing Department of Health and Human Resources to promulgate a legislative rule relating to Alzheimer's/dementia special care units and programs; authorizing Department of Health and Human Resources and the Insurance Commissioner to promulgate a legislative rule relating to hospital licensure; authorizing Department of Health and Human Resources to promulgate a legislative rule relating to public water systems; authorizing Department of Health and Human Resources to promulgate a legislative rule relating to lead abatement licensing; authorizing Department of Health and Human Resources to promulgate a legislative rule relating to fees for permits; authorizing Department of Health and Human Resources to promulgate a legislative rule relating to cancer registry; authorizing Department of Health and Human Resources to promulgate a legislative rule relating to reportable diseases, events and conditions; and authorizing Department of Health and Human Resources to promulgate a legislative rule relating to regulation of opioid treatment programs.

Be it enacted by the Legislature of West Virginia:

That article 5, chapter 64 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 5. AUTHORIZATION FOR DEPARTMENT OF HEALTH AND HUMAN RESOURCES TO PROMULGATE LEGISLATIVE RULES.

§64-5-1. Department of Health and Human Resources.

1 (a) The legislative rule filed in the State Register on the
2 twenty-seventh day of July, two thousand five, authorized
3 under the authority of section five, article five-d, chapter
sixteen of this code and of section five, article five-r of
said chapter, modified by the Department of Health and
Human Resources to meet the objections of the Legislative
Rule-Making Review Committee and refiled in the State
Register on the twenty-first day of December, two thou-
sand five, relating to the Department of Health and
Human Resources (assisted living residences, 64 CSR 14),
is authorized.

(b) The legislative rule filed in the State Register on the
twenty-fifth day of July, two thousand five, authorized
under the authority of section five, article five-r, chapter
sixteen of this code, modified by the Department of Health
and Human Resources to meet the objections of the
Legislative Rule-Making Review Committee and refiled in
the State Register on the twenty-first day of December,
two thousand five, relating to the Department of Health
and Human Resources (Alzheimer's/dementia special care
units and programs, 64 CSR 85), is authorized.

c) The legislative rule filed in the State Register on the
nineteenth day of July, two thousand five, authorized
under the authority of section eight, article five-b, chapter
sixteen of this code, modified by the Department of Health
and Human Resources to meet the objections of the
Legislative Rule-Making Review Committee and refiled in
the State Register on the eighteenth day of January, two
thousand six, relating to the Department of Health and
Human Resources (hospital licensure, 64 CSR 12), is
authorized.

d) The legislative rule filed in the State Register on the
twenty-eighth day of July, two thousand five, authorized
under the authority of section nine-a, article one, chapter
sixteen, of this code, modified by the Department of
Health and Human Resources to meet the objections of the
Legislative Rule-Making Review Committee and refiled in
the State Register on the twenty-second day of December,
two thousand five, relating to the Department of Health
and Human Resources (public water systems, 64 CSR 3), is authorized.

(e) The legislative rule filed in the State Register on the twenty-eighth day of July, two thousand five, authorized under the authority of section four, article one, chapter sixteen of this code, and of section four, article thirty-five of said code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on the twenty-second day of December, two thousand five, relating to the Department of Health and Human Resources (lead abatement licensing, 64 CSR 45), is authorized.

(f) The legislative rule filed in the State Register on the twenty-ninth day of July, two thousand five, authorized under the authority of sections four and eleven, article one, chapter sixteen of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on the twenty-second day of December, two thousand five, relating to the Department of Health and Human Resources (fees for permits, 64 CSR 30), is authorized, with the following amendment:

On page three, subsection 3.12, by striking out the words “two hundred fifty (250)” and inserting in lieu thereof the words “five hundred (500)”;

On line twelve, subsection 3.12, after the word “people.”, by inserting the following: “The term shall not include assembly in any outdoor venue ordinarily used and equipped for such events.”;

And,

On page seven, subsection 4.8, after the word “revision.”, by inserting the following: “The Commissioner may not approve any fees that exceed an increase of twenty-five percent per year of the local board’s current fees, up to the
maximum amount permitted. In the event the local board
is requesting a fee for a service on which it does not
currently impose a fee, the Commissioner may approve a
fee that is no greater than twenty-five percent of the
maximum amount.”

(g) The legislative rule filed in the State Register on the
twenty-ninth day of July, two thousand five, authorized
under the authority of section two-a, article five-a, chapter
sixteen of this code, modified by the Department of Health
and Human Resources to meet the objections of the
Legislative Rule-Making Review Committee and refiled in
the State Register on the twenty-second day of December,
two thousand five, relating to the Department of Health
and Human Resources (cancer registry, 64 CSR 68), is
authorized.

(h) The legislative rule filed in the State Register on the
twenty-ninth day of July, two thousand five, authorized
under the authority of section four, article one, chapter
sixteen of this code, modified by the Department of Health
and Human Resources to meet the objections of the
Legislative Rule-Making Review Committee and refiled in
the State Register on the twenty-second day of December,
two thousand five, relating to the Department of Health
and Human Resources (reportable diseases, events and
conditions, 64 CSR 7), is authorized.

(i) The legislative rule filed in the State Register on the
twenty-sixth day of July, two thousand five, authorized
under the authority of section four, article one, chapter
sixteen of this code, modified by the Department of Health
and Human Resources to meet the objections of the
Legislative Rule-Making Review Committee and refiled in
the State Register on the twenty-first day of December,
two thousand five, relating to the Department of Health
and Human Resources (regulation of opioid treatment
programs, 64 CSR 90), is authorized.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

_originated in the Senate._

Clerk of the Senate

President of the Senate

Speaker House of Delegates

The within is approved this the Day of , 2006.

Governor